

REMARKS/ARGUMENTS

Applicant wishes to thank the Examiner and his Primary Examiner for their informative and very useful interview, held on January 26, 2007. The interview focused, to a large extent, on the Knowles et al. (US 6,810,232) reference. The issues of a grade-detecting camera and the controlling software were discussed. The Examiner pointed out that Knowles et al. does have a camera and software as structural elements described in their specification. Applicant stressed that Knowles et al. did not disclose or even suggest detecting a variably positionable grading label and, thus, could not possibly be an anticipation reference. An agreement was NOT reached during the interview concerning the claims that existed at the time of the interview (Claims 1-37). However, the Examiner did make the positive and helpful suggestion that more explicit claim wording describing how the grading label is located might overcome the current anticipation rejections based on Knowles et al.

In the Final Office Action the Examiner the Examiner rejected all of the pending claims (Claims 1-37) on new grounds for rejection. The Examiner argued that the then pending claims were anticipated by Knowles et al. It is respectfully submitted that the Applicant still believes the Examiner has failed to appreciate the dramatic differences and improvements of the subject system over existing system disclosed in Knowles et al. and that the then pending claims were patentable. However, Applicant has made the decision to file an RCE Application, cancel the existing claims (Claims 1-37), and submit new claims (Claims 38-49) that are more explicitly phrased to better express the nature of the extremely novel subject invention and to focus on how the subject system locates and transfers the scores or grades from the grading label to the electronic gradebook.

In view of the above amendments and remarks, the Examiner is respectfully requested to withdraw the rejections to the Claims and pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney at (916) 498-1010.

Respectfully submitted,

Date: 2/23/07

By: 
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